UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

LORETTA NELSON,)
Individually and on behalf of	
All others Similarly Situated,)
)
Plaintiff,)
)
v.) Case No. 6:19-cv-3427-RK
)
NIANGUA R-V SCHOOL DISTRICT,)
)
Defendant.)

JOINT MOTION TO APPROVE SETTLEMENT

COME NOW Plaintiff Loretta Nelson., and Defendant Niangua R-V- School District (referred to collectively as the "Parties"), by their respective attorneys, move this Court for an Order approving the Settlement Agreement and Release of all Claims, which will be filed under seal contemporaneously herewith. In support of this Motion, the Parties show the Court as follows:

- 1. Plaintiff Loretta Nelson, filed this suit on or about October 30, 2019, alleging violations of the Fair Labor Standards Act and the Missouri Wage and Hour Law. Plaintiff's claims were founded on their allegation that Defendant failed to properly pay her for all hours worked. Defendant denied, and still denies, any improper payment of wages.
 - 2. On April, 14, 2020, the Parties mediated such claims.
- 3. At the mediation, the Parties negotiated and reached a fair and equitable settlement. As stated above, a copy of the Agreement will be filed under seal contemporaneously herewith.
- 4. "When employees bring a private action for back wages under the FLSA, and present to the district court a proposed settlement, the district court may enter a stipulated judgment after scrutinizing the settlement for fairness. Accordingly, as long as the Court is satisfied that a settlement

reached in adversarial proceedings represents a fair and equitable compromise of a bona fide wage and hour dispute, the settlement may be approved, and stipulated judgment entered." *Hill v. World Wide Technology Holdings Co, Inc.*, No. 4:11CV02108, 2012 WL 5285927, at*1 (E.D. Mo. Oct. 25, 2012) (Fleissig, J.) (quoting *Simmons v. Enter. Holdings, Inc.*, No. 4:10CV00625, 2012 WL 2885919, at *1 (E.D. Mo. July 13, 2012)) (citing cases).

- 5. As such, the Court must find that (1) this litigation involves a bona fide dispute, (2) the Parties' proposed settlement is fair and equitable to all parties concerned and (3) the proposed settlement contains an award of reasonable attorney fees. *Id.* (citing *Grove v. ZW Tech, Inc.*, No. 11-2445-KHV, 2012 WL 4867226, at *2-3 (D. Kan. Oct. 15, 2012)).
 - 6. The current FLSA litigation involves a bona fide dispute.
- 7. The settlement being submitted to the Court is not only fair and adequate but also promotes judicial economy. The Parties' Settlement Agreement and General Release is in the best interest of the Parties and counsel, as it represents a fair and reasonable compromise of this lawsuit given the amount of damages claimed.

WHEREFORE, Plaintiff Loretta Nelson, and Defendant Niangua R-V- School District respectfully request that the Court approve the Settlement Agreement and General Release, which will be filed under seal contemporaneously herewith.

Respectfully submitted,

MICKES O'TOOLE, LLC

By: /s/ Vincent D. Reese

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on the 15th day of May, 2020, a copy of the foregoing Joint Motion to Approve Settlement was served via the court's electronic filing system.

/s/ Kathryn B. Forster